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EXAMINER	
GOLLAMUDI, SHARMILA S	
ART UNIT	**PAPER NUMBER**
1616	

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/019,822	MANETTA ET AL.	
	Examiner	Art Unit	
	Sharmila S. Gollamudi	1616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 July 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18-21 and 23-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18-21 and 23-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Receipt of Amendments and remarks filed July 13, 2005 is acknowledged. Claims **18-21 and 23-45** are pending in this application. Claims 1-17 and 22 stand cancelled.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. However since the examiner has retained WO 99/02133 has the primary reference, the merits of Lefevre will be discussed.

Applicant argues that WO does not teach a gel formulation and the instant claims have been amended to recite a gel composition. This argument is not persuasive since WO clearly teaches a gel formulation. Firstly, it is pointed out that Lefevre uses gelling agents such as Carbopol in the benzoyl peroxide and erythromycin compositions respectively. See page 8. Moreover, Lefevre specifically teaches on page 4 the use of the viscosity modifying agents "for **gellifying** an aqueous suspension...". Further, although WO utilizes the terminology "suspension" this does not mean the composition is not in a gel form. The term "suspension" merely describes the state of the benzoyl peroxide in the composition; in other words the benzoyl peroxide is in an undissolved state in the carrier. Thus, Lefevre clearly teaches a gel composition and the only teaching lacking is 1) Lefevre does not specify the viscosity and 2) Lefevre does not teach the instant gelling agent.

Applicant argues that WO teaches dispensing the compositions in unequal amounts and the instant invention dispenses the compositions in equal amounts. Further applicant argues that WO the benzoyl peroxide composition is dispensed in a greater amount than the erythromycin composition since the benzoyl peroxide needs to dilute the erythromycin. Firstly, the examiner

points out that this limitation appears in independent claim 38 and not in claim 18 as argued by applicant. The examiner points out that claim 38 is directed to a product, i.e. a package comprising the gel compositions of erythromycin and benzoyl peroxide respectively (it is noted that the applicant has not claimed a specific viscosity in claim 38 as argued). However, applicant is arguing the intended use of the package system. For instance, the amount of gel dispensed from a pouch is dependent on how much the consumer "squeezes" from the pouch and this intended use does not impart a structural limitation on the package itself. Therefore, if the prior art packaging system is capable of performing the intended use, then it reads on the claim.

Accordingly, Lefevre is considered to be prior art.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The rejection of claims 1-17 and 36-38 under 35 U.S.C. 102(b) as being anticipated by WO 99/02133 to Lefevre et al is withdrawn in view of the amendments of 7/13/05.

The rejection claims 1-7 under 35 U.S.C. 102(b) as being anticipated WO 93/15726 to Baroody et al is withdrawn in view of the amendments of 7/13/05.

New Rejections Necessitated by the Amendments of 7/13/05

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 18-21, 23-37, and 39-45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. .

Independent claim 18 has been amended to recite that the benzoyl peroxide gel has a viscosity of 200,000-500,000 cps and the erythromycin gel has a viscosity of 200,000-500,000 cps. However, the instant specification, page 35 and originally filed claim 22 only provide support for an erythromycin gel with a viscosity of 200,000-400,000 cps.

Independent claim 23 has been amended to recite "about 0.5 to about 6% erythromycin", which does not have support in the instant specification or originally filed claims.

Claim 42 has been amended to recite about 1-3% of a gelling agent comprising a polymer of acrylic acid cross-linked...", which does not have support in the instant specification or originally filed claims. It is noted that page 32 of the instant specification provides support for only HPC in a weight percent of 1-3.

Claim 43 has been amended to recite "about 0.1 to 0.3%" of dioctyl sodium sulfosuccinate, which does not have support in the instant specification or originally filed claims. Page 31 of the specification only provides support for 0.07-0.3%.

However, if applicant contends there is support for the above limitations, the applicant is requested to cite the page and specific line where said support is found. It is noted that applicant has not pointed out support for any of the amended claims.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 38-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 39 recites "eps" which is vague and indefinite since it is unclear what these units are.

Independent claim 38 has been amended to recite "wherein the compositions have viscosities such that upon application of uniform force to said packets, substantially equal volumes of said compositions are capable of being dispensed simultaneously through said orifices", which is vague and indefinite. The specification does not define the term "substantially equal" and the metes and bounds of this claim. Thus, a skilled artisan would not know the metes and bounds of this claim. Further, the specification does not define what viscosity would provide the dispensing of "substantially equal volumes". It is unclear how the viscosity of a composition impacts the volume that is dispensed from the packet since the amount of composition squeezed

from a packet is dependent on the force applied to the packet and not the viscosity of the composition. Further clarification is requested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 23-35 are rejected under 35 U.S.C. 103(a) as being unpatentable GB 2088717 to Klein et al in view of Smith et al (5,562,642).

Klein teaches a composition for topical treatment of acne. Specifically, example 9 teaches a gel formula comprising 5.46% benzoyl peroxide, 2% erythromycin, 44. 10% ethanol, 1% hydroxypropylmethylcellulose (HPMC- gelling agent), 2.50% colloidal magnesium aluminum silicate (also known as a gelling agent) 0.02% dioctyl sodium sulphosuccinte, and 38.87% water, among other components. Sodium hydroxide in the instant amount is used to formulate the composition. Klein teaches that various gelling agents such as microcrystalline cellulose, HPMC,

Carbopols, hydroxylated vinylic polymers, etc. in the amount of 0.5-3% to provide a gel. See page 3.

Klein does not teach the instant gelling agent, hydroxypropylcelluose (HPC).

Smith et al teaches a system for applying a plurality of incompatible dermatological agents to the skin. See abstract. The composition may be in various forms such as powders, gels, dispersions, and solutions. See column 4, lines 1-2. Smith teaches the use of gelling agents, which thicken and gel aqueous-alcoholic mixtures to at least a cream or lotion consistency. Smith teaches the use of organic gelling agent such as microcrystalline cellulose, hydroxyalkyl cellulose ethers such as hydroxypropylmethylcellulose, hydroxypropylcelluose, hydroxymethylcellulose, etc. see column 14, lines 5-35. The gelling agent is used in the amount of 0.5-3%. See column 15, lines 1-3. Furthermore, Smith teaches the use of HPC and the gelling agent of choice in combination with benzoyl peroxide, which yields a thicker fluid gel. See column 17, lines 40-68.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Klein et al and Smith et al and utilize the instant cellulose derivative, HPC versus the prior art's HPMC. One would have been motivated to do so with the expectation of similar results since Smith teaches the functional equivalency, i.e. both act to thicken or "gel" a formulation, of the instant cellulose derivative (HPC) and Klein's hydroxypropylmethylcellulose. Therefore, it is prima facie obvious to substitute one equivalent component with another since the prior art establishes that both hydroxypropylcellulose and hydroxypropylmethylcellulose both function the same and are utilized for the same purpose, i.e. to thicken a skin formulation. Furthermore, utilizing mixtures of gelling agents such as cellulose

derivatives and hydroxylated vinylic polymers is prima facie obvious since it is known to those skilled in the art to combine various gelling agents to obtain the desired viscosity, this is evidenced by Klein's use of two gelling agents in example 9.

With regard to claim 23 and the instant viscosity claimed, it is the examiner's position that the instant combination wherein the HPC is used in the Klein's formulation of example 9 would yield the instant viscosity since the gelling agent is used in the same amount a substantially similar composition. Further, since the USPTO does not have the facilities to verify the properties of the prior art's properties such as the viscosity of example 9 of Klein's and the examiner has made a reasonable rationale of why the viscosity would necessarily flow from the instant combination, the burden has shifted to the applicant to prove otherwise.

With regard to claim 28, note that water in example 9 reads on the broad recitation of "diluent".

With regard to claim 34, the manipulation of the concentration of the benzoyl peroxide from the prior art's 5.46% to instant 5.25% and erythromycin from prior art's 2% to instant 3.45% is considered prima facie obvious. This is also applicable for claim 35 wherein the specific weight percents claimed are in obvious ranges of those disclosed in Klein. One would have been motivated to manipulate the weight percent of each component of the prior art to find the optimal range during routine experimentation. It should be noted that it is not considered inventive to find the optimal or workable range by routine experimentation and that generally difference in concentrations do not support the patentability of subject matter encompassed by the prior art unless there is evidence indicating such as concentration is critical. See In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

Claims 18-21, 23-24, 26-30, 32-37, 39-42, and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/02133 to Lefevre et al in view of Smith et al (5,562,642) optionally in further view of Fowler et al (5,534,265).

Lefevre teaches a topical application of a combination of benzoyl peroxide and a second active ingredient in a multi-compartment dispensing system. The dispensing system contains a first composition of benzoyl peroxide and a second active ingredient selected from an antifungal agent or an antimicrobial agent. See abstract.

The first and second compositions generate a final composition that is mixed upon delivery. See page 2, lines 20-30. The preferred second active agent is erythromycin, natamycin, clindamycin, or linocomycin. See page 3, lines 19-25. The ratio of the two active agents may be adjusted between the range of 1:1 to 1:50 and preferably 1:2 to 1:20. See page 4, lines 34-38. The concentration of the benzoyl peroxide is between 2-15% and the amount of erythromycin is up to 30%. See page 5. The final concentration of benzoyl peroxide in the mixed composition is 5% and 3% erythromycin.

The reference teaches the use of a viscosity agent to yield the desired viscosity. Viscosity agents for gelling are Carbopol 940 and hydroxypropylmethylcellulose. Additional viscosity agents are Carbopol Ultrez, xanthan, and carrageenans. The amount of the viscosity agent of 0.1-3%. The solvents disclosed are ethanol, polyethylene glycol, propylene glycol, and glycerol. See page 4.

In a preferred embodiment, the first composition contains 5% benzoyl peroxide suspended in an aqueous suspension adjusted with sodium hydroxide to a pH of 8 and Carbopol 940 (viscosifying agent- reads on claim 42). The second composition contains 30% erythromycin

dissolved in 96% ethanol and Carbopol Ultrez. The viscosity of the erythromycin composition is comparable to the viscosity of the benzoyl peroxide gel. The final composition yields an end concentration of 3% erythromycin and 5% benzoyl peroxide. See page 6, lines 9-30 and example 1.

Lefevre states that a dispensing system that allows for separate containment as well as simultaneous dosing is preferred. The system has two chambers adjacent to each other that ensures separation and simultaneous dosing and each chamber has an orifice in which the composition is dispensed from. Further, the system has a dosing pump. The disclosure of WO 97/27841 in regards to the dispensing system is incorporated in to Lefevre. See page, lines 10-18.

Lefevre does not teach the viscosity of the composition. Further, although Lefevre et al teach the use of cellulose derivatives, the reference does not specify the instant derivative, hydroxypropylmethylcellulose.

Smith et al teaches a system for applying a plurality of incompatible dermatological agents to the skin. See abstract. The composition may be in various forms such as powders, gels, dispersions, and solutions. See column 4, lines 1-2. Smith teaches the use of gelling agents, which thicken and gel aqueous-alcoholic mixtures to at least a cream or lotion consistency. Smith teaches the use of organic gelling agent such as microcrystalline cellulose, hydroxyalkyl cellulose ethers such as hydroxypropylmethylcellulose, hydroxypropylcelluose, hydroxymethylcellulose, and Carbopols etc. See column 14, lines 5-35. The gelling agent is used in the amount of 0.5-3%. See column 15, lines 1-3. Furthermore, Smith teaches the use of HPC and the gelling agent of choice in combination with benzoyl peroxide, which yields a thicker fluid gel. See column 17, lines 40-68.

Fowler teaches thickened personal cleansing compositions. The reference teaches preparing compositions with various viscosities ranging from 1 cps to 1,000,000 cps (from slightly thickened liquids to semi-solid gels). See column 2, lines 50-55. Furthermore, Fowler teaches the gelling agent in the amount of 0.05-10% and preferably from 0.1-5%. See column 5, lines 10-20. Among the various gelling agents taught, hydroxypropylmethylcellulose, hydroxypropylcellulose, etc. see column 9, lines 40-65.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lefevre et al and Smith et al and utilize the instant cellulose derivative, HPC versus the prior art's HPMC. One would have been motivated to do so with the expectation of similar results since Smith teaches the functional equivalency, i.e. both act to thicken or "gel" a formulation, of the instant cellulose derivative (HPC) and Lefevre's hydroxypropylmethylcellulose. Therefore, it is prima facie obvious to substitute one equivalent component with another since the prior art establishes that both hydroxypropylcellulose and hydroxypropylmethylcellulose both function the same and are utilized for the same purpose, i.e. to thicken a skin formulation.

With regard to the instant viscosity claimed in independent claim 18 and 23, it is the examiner's position that the instant combination wherein the HPC is used in the Lefevre's formulation would yield the instant viscosity since the gelling agent is used in the same amount. Further, since the USPTO does not have the facilities to verify the properties of the prior art's properties such as the viscosity of example 9 of Klein's and the examiner has made a reasonable rationale of why the viscosity would necessarily flow from the instant combination, the burden has shifted to the applicant to prove otherwise.

Moreover, assuming arguendo that the combination of Lefevre and Smith does not yield a viscosity in the instant range, it is the examiner's position that the manipulation of viscosity of a composition is known to those skilled in the art and is prima facie obvious absent a showing of the unexpectedness of the instant viscosity and the instant gelling agent. Fowler teaches the various viscosities from 1 cps to 1,000,000 cps, which ranges from slightly thickened liquids to semi-solid gels, are used for topical compositions depending on the desired thickness desired. Thus, one would have been motivated to increase the viscosity of the composition, if one desired a semi-solid gel as taught by Fowler.

Claims 25, 31, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/02133 to Lefevre et al in view of Smith et al (5,562,642) optionally in view of Fowler et al (5,534,265) in further view of US patent 4,692,329 to Klein et al.

As set forth above, Lefevre discloses a topical application of a combination of benzoyl peroxide and a second active ingredient in a multicomparment dispensing system. As set forth above, Smith et al teach the functional equivalency of hydroxypropylcellulose and hydroxypropylmethylcellulose in a topical composition. As set forth above, Fowler teaches the instant viscosity.

The references do not teach the use of instant surfactant, dioctyl sodium sulfosuccinate.

Klein et al discloses a erythromycin and benzoyl peroxide composition, wherein the actives may be packaged separately. Klein et al teach the use of dioctyl sodium sulfosuccinate to provide stability to the peroxide component in the formulation. Further, the sulfosuccinate allows evaporation and uniform release of the peroxide compound so as to avoid burning and erythema. See column 3,lines 14-25. Klein also teaches the use of various gelling agents such as Example

13 discloses a gel formulation containing 5.46% benzoyl peroxide, 2% erythromycin, 44.10% ethanol, 6% polyoxyethylene lauryl ether, 2.50 colloidal magnesium aluminum (gelling agent), 1% hydroxymethylcellulose, 0.02% dioctyl sodium sulfosuccinate, and water. Sodium hydroxide and use of Carbopol as the gelling agent is taught in examples 11-12.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the references above and further utilize the instant surfactant. One would have been motivated to do so since Klein teaches dioctyl sodium sulfosuccinate not only provides stability to a composition that contains both erythromycin and benzoyl peroxide but it also allows for the uniform release of the peroxide compound so as the avoid burning and erythema upon application. Therefore, one would be motivated to utilize the instant surfactant to increase stability and to avoid the side effects caused by the use of peroxides topically.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/02133 to Lefevre et al in view of WO 97/27841 to Edens et al.

Lefevre teaches a topical application of a combination of benzoyl peroxide and a second active ingredient in a multi-compartment dispensing system. The dispensing system contains a first composition of benzoyl peroxide and a second active ingredient selected from an antifungal agent or an antimicrobial agent. See abstract. More specifically, in an preferred embodiment, the first composition contains 5% benzoyl peroxide suspended in an aqueous suspension adjusted with sodium hydroxide to a pH of 8 and Carbopol 940 (viscosifying agent) with a viscosity of 500-5000cps.The second composition contains 30% erythromycin dissolved in 96% ethanol and Carbopol Ultrez. The viscosity of the erythromycin composition is comparable to the viscosity of

the benzoyl peroxide gel. The final composition yields an end concentration of 3% erythromycin and 5% benzoyl peroxide. See page 6, lines 9-30 and example 1. Lefevre states that a dispensing system that allows for separate containment as well as simultaneous dosing is preferred. The disclosure of WO 97/27841 with regard to the dispensing system is incorporated in to Lefevre. See page, lines 10-18.

Lefevre's preferred embodiment is directed to a two-chamber pump system that is not capable of being folded along the common side. Lefevre does not specify the use of two pouches in a parallel relationship that share a common side that is capable of being folded along the common side.

Eden teaches several dispensing systems to simultaneously dispense active agents that need to be stored separately until use wherein they are mixed together for application to the skin. Eden teaches a "simple" dispensing system wherein a pair of plastic pouches are in a parallel relationship wherein the outlets for the pouches are close together and discharge the contents upon the tearing of the opening at the end of the pouch as disclosed in DE 3630849. See page 9, lines 27-32. The bag of DE specifically is made of flexible material wherein the two pouches are side by side, sharing a common side. Example 12 teaches a dispenser with two separate pouches that dispense two separate compounds in equal volumes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to look to the teachings of Eden and utilize a dispenser that has two pouches in a parallel relationship with a foldable common side. WO 97/27841 teaches several types of systems including the instantly claimed dispensing system and Lefevre states that any type of dispenser disclosed in WO 97/27841 is suitable to hold the benzoyl peroxide gel and

erythromycin gel respectively. Therefore, it would have been obvious to utilize any dispensing system disclosed in Edens to separate the benzoyl peroxide gel and erythromycin gel since the critical feature of the dispensing system is that it ensures separation of the compositions held in the respective pouches. Thus, one would have been motivated to utilize the system wherein two pouches are in a parallel relationship since Edens teaches this is a simple dispensing system.

Note that the simple pouch system described in Eden is capable of being folded along it common side since it made to flexible material and thus reads on the instant limitation "foldable" (able to fold).

Conclusion

All the claims are rejected at this time.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6462025 and US 6544562.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharmila S. Gollamudi whose telephone number is 571-272-0614. The examiner can normally be reached on M-F (8:00-5:30), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz can be reached on 571-272-0887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sharmila S. Gollamudi
Examiner
Art Unit 1616

SSG

SREENI PADMANABHAN
SUPERVISORY PATENT EXAMINER